

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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JUDY MILLER	:	3:12 CV 1363 (JBA)
	:	
V.	:	
	:	
MASSAD-ZION MOTOR SALES CO., INC &	:	DATE: JULY 14, 2014
STEVEN ZION	:	
-----X	:	

RULING FOLLOWING SUPPLEMENTAL IN CAMERA REVIEW

The factual and procedural history behind this litigation has been set forth in some detail in this Magistrate Judge's Ruling on Plaintiff's Motion to Compel, filed June 16, 2014 (Dkt. #52)["June 2014 Discovery Ruling"] and Ruling Following In Camera Review, filed July 2, 2014 (Dkt. #54)["July 2, 2014 Discovery Ruling"], familiarity with which is presumed.

The June 2014 Discovery Ruling provided that all discovery shall be completed on or before August 29, 2014, that all dispositive motions shall be filed on or before September 30, 2014 (after a pre-filing conference has been held), and that if no dispositive motions are filed, then the Joint Trial Memorandum shall be filed on or before October 10, 2014. (At 6). The ruling also ordered defendants to submit three categories of documents for the Magistrate Judge's in camera review. (At 2-5). On June 30, 2014, plaintiff filed a Limited Objection (Dkt. #53), to this ruling, "for the limited purpose of requesting the Court, upon its examination of [d]efendants' credit card statement for November and December 2008, also review the location of the purchases made by . . . [D]efendant . . . Zion, as [the location is] relevant to [his] whereabouts prior to and on November 13, 2008 and November 22, 2008." (At 1). Plaintiff contends that this time period is relevant because defendant Zion has represented that he purchased the wireless GPS service for the tracking of plaintiff's vehicle on November 22, 2008, but credit card statements indicate that Defendant Zion was

in Miami Beach from November 14 through 17, 2008, and could not have brought the car in for service during that time, as he claimed he did. (Id. at 1-3). On June 27, 2014, defendants delivered a cover letter, dated June 26, 2014, and a notebook with 1.5 inches of documents, divided into five categories. After a careful in camera review, only four documents were ordered to be produced. (July 2, 2014 Discovery Ruling at 3).

In his cover letter, defendant Zion represented that he had requested a complete copy of his November-December 2008 credit card statements from American Express, and that these statements were expected shortly and would be forwarded to this Magistrate Judge for an additional in camera review. (See also id. at 2, n.2). On July 10, 2014, defendants forwarded twenty-six additional pages to this Magistrate Judge's Chambers; these pages are copies of defendant Zion's American Express bills for September through November 2008. There are only six entries during the time period November 13 to 22, 2008 that are relevant, some of which already were ordered in the July 2, 2014 Discovery Ruling (at 3). The three additional entries to be produced are as follows: the second and third entries (dated 11/17/08) on page 1 of the bill due on 12/16/08, and the top entry (also dated 11/17/08) on page 3 of that same bill.¹

Because this ruling is subject to review, see 28 U.S.C. § 636(b)(**written objections to ruling must be filed within fourteen calendar days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge's recommended ruling may preclude further appeal to Second Circuit**), the notebook

¹The two hotel bills are to be produced, in that the prior copy did not have any amounts on them.

will remain in this Magistrate Judge's Chambers. If either party files an objection to this ruling, then the documents will be filed **under seal** and forwarded to Judge Arterton's Chambers for her in camera review. If no objection is filed, then the documents will be returned to defendants' counsel.

This is not a Recommended Ruling, but a ruling on a non-dispositive motion, the standard of review of which is specified in 28 U.S.C. § 636; FED. R. CIV. P. 6(a), 6(e) & 72; and Rule 72.2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the District Judge upon timely made objection.

Dated at New Haven, Connecticut, this 14th day of July, 2014.

/s/ Joan G. Margolis, USMJ
Joan Glazer Margolis
United States Magistrate Judge